

poster or television or radio announcement used in promoting the sale of a commercial fertilizer or soil conditioner.

[(n)] (O) "Lot" means a definite quantity of commercial fertilizer or soil conditioner, identified by name, grade, or code designation as certified by the Secretary.

[(o)] (P) A commercial fertilizer or soil conditioner is "misbranded", if:

(1) Its labeling is false or misleading in any particular;

(2) It is distributed under the name of another product;

(3) It is not labeled as required in § 6-210 and in rules and regulations prescribed under this subtitle;

(4) A fertilizer purports to be or is represented as a commercial fertilizer or if it purports to contain or is represented as containing a fertilizer material, unless the fertilizer material conforms to any definition of identity, prescribed by departmental rules and regulations which give due regard to commonly accepted definitions, such as those issued by the Association of American Plant Food Control Officials, Inc.; or

(5) Any word, statement, or other information, required to appear on the label or labeling, is not placed on it prominently and conspicuously as compared with other words, statements, designs, or devices in the labeling, and it is not in terms that render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

[(p)] (Q) "Mixed fertilizer" means a commercial fertilizer containing any combination, blend, or mixture of fertilizer materials designed for use or claimed to have value in promoting plant growth.

[(q)] (R) "Mixed-to-order" means commercial fertilizer mixed on a specific request of a purchaser according to a formula furnished by him.

(S) -- "MULCH" MEANS ANY PRODUCT OR MATERIAL, EXCEPT PEAT OR PEAT MOSS, THAT IS ADVERTISED, OFFERED FOR SALE, SOLD OR DISTRIBUTED FOR PRIMARY USE AS A HORTICULTURAL, ABOVE-GROUND DRESSING FOR DECORATION, MOISTURE CONTROL, WEED CONTROL, EROSION CONTROL, TEMPERATURE CONTROL OR OTHER SIMILAR PURPOSES.